

TITLE 326 AIR POLLUTION CONTROL BOARD

IDEM'S SUGGESTED CHANGES TO PROPOSED RULES CONCERNING STATE MINOR NEW SOURCE REVIEW PROGRAM, 326 IAC 2 LSA Document #98-95

Revisions made by LSA under the Administrative Rules Drafting Manual (IC 4-22-8-4(a)(2)) and incorporated into the printed version (LSA Document #98-95) have been made in the version of this rule presented to the board for final adoption.

1. 326 IAC 1-2-42(3)

Delete "have" and insert "increases" after "unit that".
Insert "of any" after "potential to emit".

2. 326 IAC 1-2-65

Insert "The fixed capital cost of components shall reflect any exceptions granted under federal rules." at the end of the definition.

3. 326 IAC 1-2-73

Insert "Any stationary source (or group of stationary sources) that supports another source, where both are under common control of the same person (or persons under common control) and are located on contiguous or adjacent properties, shall be considered a support facility and part of the same source regardless of the two (2) digit SIC code for that support facility. A stationary source (or group of stationary sources) is considered a support facility to a source if at least fifty percent (50%) of the output of the support facility is dedicated to the source." after second sentence.

4. 326 IAC 2-1.1-1

Insert "(6) "Minor physical change" means a change at an existing source that includes, but is not limited to, the following:

- (A) A change in the method of operation.
- (B) The reconfiguration of existing equipment.
- (C) The movement of existing equipment within a building.
- (D) The replacement, reconfiguration, or addition of ancillary equipment.
- (E) The replacement, reconfiguration, or addition of supporting devices such as piping or duct work.
- (F) The replacement or addition of air pollution control devices.

The term does not include changes that increase the potential to emit of an emissions unit, process, or operation, or reconstruction of an emissions unit."

Insert "(12) "Plant-wide applicability limit" means a plant-wide federally enforceable emission limitation established for a stationary source such that subsequent physical or operational changes resulting in emissions that remain less than the limit are excluded

from preconstruction or modification approval or operating permit revision requirements under this article.” and renumber the remaining subdivisions.

5. 326 IAC 2-1.1-1(13)(A)(iv)
Delete “adsorbers” and insert “absorbers”.
6. 326 IAC 2-1.1-2(a)
Insert “modification approval,” after “permit,” where referenced.
7. 326 IAC 2-1.1-2(b)
Insert “(5) Operation and modification of minor sources pursuant to registrations under 326 IAC 2-5.5.” and renumber remaining subdivisions.
8. 326 IAC 2-1.1-2(d)(3)
Insert “or modification approval” after “permit revision”.
9. 326 IAC 2-1.1-3(a)
Insert “registration and” after “the”
Insert “registration or” after “a”
10. 326 IAC 2-1.1-3(b)
Insert “modification approval,” after “permit,” where referenced.
11. 326 IAC 2-1.1-3(c)(1)
Under clause (D), delete “326 IAC 2-9-4” and insert “326 IAC 2-9-4(b) and (d)”.
Delete clause (J) and (K).
12. 326 IAC 2-1.1-3(c)(3)
Delete “or” and insert “and”.
13. 326 IAC 2-1.1-3(c)
Insert “The exclusion from the new source requirements of 326 IAC 2-5.1-2 for registrations and 326 IAC 2-5.1-3 for permits under subdivisions (1) through (3) shall only apply to those rules and rule sections that have been approved by the U.S. EPA as part of the state implementation plan (SIP).” at the end of the subsection.
14. 326 IAC 2-1.1-3(d)
Insert “, the modification approval requirements under 326 IAC 2-7-10.5,” after “for permits,”.
15. 326 IAC 2-1.1-3(d)(25)
Delete “consists” and insert “consist” after “existing sources that”.

16. 326 IAC 2-1.1-3(d)(32)

Insert "the" after "provided that" and before "following criteria".

17. 326 IAC 2-1.1-3(d)(33)

Insert "the" after "provided that" and before "following criteria".

18. 326 IAC 2-1.1-3(g)

Insert ", the modification approval requirements under 326 IAC 2-7-10.5," after "326 IAC 2-8-11.1".

Insert "(3) Temporary operations and experimental trials that involve construction, reconstruction, or modification and that meet the following criteria:

(A) The potential emissions from the construction or reconstruction of a facility or source or the potential emissions increase from the modification are less than twenty-five (25) tons for the duration of the operation.

(B) The construction, reconstruction, or modification are not major sources or modifications as defined by 326 IAC 2-2, 326 IAC 2-3, or 326 IAC 2-7.

(C) The purpose of the construction, reconstruction, or modification is to:

(i) collect data for experimental purposes, including, but not limited to, process improvements, new product development, and pollution prevention; or

(ii) temporarily conduct an operation not considered part of the normal operation or production of the facility or source.

(D) The duration of the temporary operation or experimental trial is less than thirty (30) days of total operating time.

(E) If the construction, reconstruction, or modification is part of a soil or water remediation project, the duration of the project is less than twenty-four (24) hours or a greater period, not to exceed seventy-two (72) hours, as determined to be necessary by the department considering the nature of the project or the manner of testing, and the purpose of the project is to identify parameters necessary to design the remediation effort.

(F) If the construction, reconstruction, or modification would otherwise require a registration or construction permit, the owner or operator shall provide the commissioner written notice of the proposed construction, reconstruction, or modification at least seven (7) days before beginning the construction, reconstruction, or modification. The notice shall contain the following information:

(i) A description of the purpose of the construction, reconstruction, or modification.

(ii) A description of how the construction, reconstruction, or modification is experimental or not part of the normal operation or production of the facility or source.

(iii) The dates the owner or operator anticipates the construction, reconstruction, or modification to begin, operations to begin, and

operations to cease.

(iv) An estimate of the potential emissions and actual emissions increase resulting from the construction or reconstruction.

(v) The equipment involved in the construction, reconstruction, or modification.

(G) If the construction, reconstruction, or modification would otherwise require a registration or construction permit, the owner or operator shall provide the commissioner written notice of the proposed construction, reconstruction, or modification at most seven (7) days after concluding the temporary operation or experimental trial. The notice shall contain the following information:

(i) The actual start date of the construction, reconstruction, or modification.

(ii) The duration of the temporary operation or experimental trial.

(iii) The actual emissions occurring during the temporary operation or experimental trial.

(H) The exemption provided by this subsection shall not apply to facilities or sources whose operations are experimental in nature, part of pilot plants, or characterized by frequent product changes.”

19. 326 IAC 2-1.1-6(a)

Insert “(1) The commissioner shall provide notice of the receipt of a permit or operating permit revision application to the following:

(A) The county executive of a county that is affected by the permit application.

(B) The executive of a city that is affected by the permit application.

(C) The executive of a town council of a town that is affected by the permit application.” and renumber remaining items.

20. 326 IAC 2-1.1-6(b)

Insert “(4) A determination by the commissioner that a source is exempt from the requirements of this article.” after subdivision (3).

21. 326 IAC 2-1.1-7(2)(B)

Delete “326 IAC 2-6.1-6(f)” and insert “326 IAC 2-6.1-6(g)”.

Delete “326 IAC 2-8-11.1(c);” and insert “326 IAC 2-8-11.1(d);”.

22. 326 IAC 2-1.1-7(2)(C)

Delete “326 IAC 2-7-10.5(c).” and insert “326 IAC 2-7-10.5(e).”.

23. 326 IAC 2-1.1-7(3)

Insert “, modification approval,” after “proposed permit”.

Delete “326 IAC 2-6.1-6(h),” and insert “326 IAC 2-6.1-6(i),”.

Delete “326 IAC 2-8-11.1(d), and insert “326 IAC 2-8-11.1(f),”.

Delete “326 IAC 2-7-10.5(e),” and insert “326 IAC 2-7-10.5(g),”.

24. 326 IAC 2-1.1-7(3)(A)

Insert “, modification approval,” after “proposed permit”.

Delete “326 IAC 2-6.1-6(h),” and insert “326 IAC 2-6.1-6(i),”.

Delete “326 IAC 2-8-11.1(d), and insert “326 IAC 2-8-11.1(f),”.

Delete “326 IAC 2-7-10.5(e),” and insert “326 IAC 2-7-10.5(g),”.

25. 326 IAC 2-1.1-7(3)(D)

Delete “unit,” and insert “units,” after “group of identical emissions”.

26. 326 IAC 2-1.1-7(3)(E)(i)

Insert “or 326 IAC 20” after “326 IAC 14”.

27. 326 IAC 2-1.1-8(a)(1)

Insert “, modification approval,” after “proposed permit”.

Delete “326 IAC 2-6.1-6(h)(1)(A),” and insert “326 IAC 2-6.1-6(i)(1)(A),”.

Delete “326 IAC 2-7-10.5(e)(1),” and insert “326 IAC 2-7-10.5(g)(1),”.

Delete “326 IAC 2-8-11.1(d)(1)(A),” and insert “326 IAC 2-8-11.1(f)(1)(A),”.

28. 326 IAC 2-1.1-8(a)(2)

Delete “326 IAC 2-6.1-6(h)(1)(B) through (6)(h)(1)(K),” and insert “326 IAC 2-6.1-6(i)(1)(B) through 6(i)(1)(K),”.

Delete “326 IAC 2-7-10.5(e)(2) through 2-7-10.5(e)(10),” and insert “326 IAC 2-7-10.5(g)(2) through 2-7-10.5(e)(10),”.

Delete “326 IAC 2-8-11.1(d)(1)(B) through 2-8-11.1 (d)(1)(K).” and insert “326 IAC 2-8-11.1(f)(1)(B), through 2-8-11.1(f)(1)(K).”.

29. 326 IAC 2-1.1-8(a)(3)

Insert “or a source specific operating agreement under 326 IAC 2-9” after “326 IAC 2-5.1”.

30. 326 IAC 2-1.1-8(a)(4)

Delete “326 IAC 2-6.1-6(f),” and insert “326 IAC 2-6.1-6(g),”.

Delete “326 IAC 2-7-10.5(c),” and insert “326 IAC 2-7-10.5(e),”.

Delete “326 IAC 2-8-11.1(c)(1).” and insert “326 IAC 2-8-11.1(d)(1).”.

31. Add new section, 326 IAC 2-1.1-11

326 IAC 2-1.1-11 Compliance requirements

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 11. The commissioner may require stack testing, monitoring, or reporting at

any time to assure compliance with all applicable requirements. Any monitoring or testing shall be performed in accordance with 326 IAC 3 or other methods approved by the commissioner. The compliance requirements shall apply to all sources issued a registration, permit or permit revision under this article. (*Air Pollution Control Board; 326 IAC 2-1.1-11*)

32. Add a new section 326 IAC 2-1.1-12

Insert "326 IAC 2-1.1-12 Emissions cap programs

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 12. (a) This section applies to sources operating pursuant to a Part 70 permit under 326 IAC 2-7 or a federally enforceable state operating permit (FESOP) under 326 IAC 2-8. The owner or operator may request that the commissioner include terms and conditions establishing an emissions cap program or programs for one (1) or more pollutants.

(b) For a source applying for an emissions cap program or programs, the commissioner may issue a Part 70 or FESOP permit that includes terms and conditions necessary to assure compliance with applicable air quality rules and that allow the owner or operator to undertake changes at the source, without preconstruction approval or operating permit revision, as long as compliance with the emissions cap program or programs is maintained.

(c) An emissions cap program or programs may be based on one (1) of the following:

(1) Actual emissions, not to exceed allowable emissions, including a reasonable operating margin that is less than the significant emissions rate as defined in 326 IAC 2-2-1. Actual emissions shall be calculated using the actual emissions for any twelve (12) consecutive months during the one hundred twenty (120) months preceding the request for an emissions cap program or programs.

(2) The prevention of significant deterioration (PSD) permitted allowable emissions for sources that have received a PSD permit. For sources located in nonattainment areas and subject to 326 IAC 2-3, the permit must have been issued within the past five (5) years.

(3) A permit limitation, not to exceed allowable emissions, on the potential to emit of a pollutant less than the applicability thresholds of 326 IAC 2-2, 326 IAC 2-3, 326 IAC 2-4.1, or other applicable requirement provided that control technology has been reviewed for all permitted emissions under the emissions cap program or programs.

The emissions cap program or programs may consist of a plant-wide applicability limit or multiple caps, except if the multiple caps would allow a violation of 326 IAC 2-2 or 326 IAC 2-3.

(d) In addition to the application information required under 326 IAC 2-7-4(c) and 326 IAC 2-8-3(c), an application requesting an emissions cap program or programs shall include the following information:

(1) Identification, description, and location of the emission units or processes that will be included under and comply with an emissions cap program or programs.

- (2) Identification of any emission limitations or standards or other requirements applicable to the pollutants, emission units, or processes to be included under an emissions cap program or programs.
- (3) A description of the emissions cap program or programs to be established at the sources. The emissions cap program or programs may consist of a plant-wide applicability limit or multiple limits, except if the multiple limits would allow a violation of 326 IAC 2-2.
- (4) A description of any new applicable requirements, permit terms, or conditions that may apply.
- (5) A description of the record keeping, reporting, and compliance monitoring requirements to be implemented with the emissions cap program or programs.
- (6) Emissions information or other relevant information to be used for the basis of the emissions cap program or programs.

(e) In addition to the permit content and compliance requirements under 326 IAC 2-7 and 326 IAC 2-8, a permit that includes an emissions cap program or programs shall include the following:

- (1) All terms necessary to determine compliance with the emissions cap program or programs and all associated applicable requirements.
- (2) A federally enforceable emission limit or limits.
- (3) Terms and conditions that allow construction of new emissions units or reconstruction or modification of existing emissions units or processes that would otherwise require preconstruction approval or operating permit revision, provided the actual emissions from the emissions units or processes specified under an emissions cap program or programs or to be included under the emissions cap program or programs, do not exceed the emissions cap limit.
- (4) Terms and conditions that allow for trading of emission increases and decreases solely for the purpose of complying with the emissions cap program or programs, provided the permit contains adequate terms and conditions to determine compliance with the limit and with any emissions trading provisions.
- (5) Replicable procedures and permit terms that ensure the emissions cap program or programs is enforceable and trades pursuant to the limit are quantifiable and enforceable.
- (6) Monitoring, testing, reporting, and record keeping requirements that assure all reasonable information is provided to evaluate continuous compliance with the permit terms and conditions, the requirements of this title, and the Clean Air Act.
- (7) Terms and conditions that require the owner or operator to provide notice to the commissioner for those changes under an emissions cap program or programs that would have otherwise required preconstruction approval or operating permit revision.
- (8) Terms and conditions that provide for future review of the emissions cap program or programs and associated permit conditions that could affect the limit or limits.

(f) An owner or operator of a source operating a source pursuant to a Part 70 or FESOP permit that includes an emissions cap program or programs may make changes under the an

emissions cap program or programs that would otherwise require preconstruction approval or operating permit revision provided the commissioner receives notification at least ten (10) days before beginning actual construction of each physical or operational change. The notice shall:

- (1) include the company name and address and source and permit identification numbers;
- (2) describe the physical or operational change, including an estimate of the potential to emit of the emissions associated with the change;
- (3) identify on the layout diagram of the source what unit or units the physical or operational change will affect;
- (4) provide the schedule for constructing or implementing the physical or operational change;
- (5) identify any additional applicable requirements that are applicable to the physical or operational change and include any monitoring, record keeping, or reporting requirements to assure compliance with the applicable requirements;
- (6) provide a certification for all regulated pollutants, except the pollutant for which the emissions cap program or programs has been established, that demonstrates that the physical or operational change will not trigger any federal or state permitting requirement for any regulated pollutant; and
- (7) provide a certification that the physical or operational change will not result in emissions greater than the emissions cap program or programs.

(Air Pollution Control Board; 326 IAC 2-1.1-12)

33. 326 IAC 2-5.1-1

Insert “(3) Existing sources operating pursuant to a source specific operating agreement under 326 IAC 2-9.

(4) Existing sources operating pursuant to a permit by rule under 326 IAC 2-10 or 326 IAC 2-11.” after subdivision (2).

34. 326 IAC 2-5.1-2

Insert a new subsection “ (e) If the commissioner finds an application submitted in accordance with this rule to be incomplete, the commissioner shall mail a notice of deficiency to the applicant that specifies the portions of the application that:

(1) do not contain adequate information for the commissioner to process the application;
or

(2) are not consistent with applicable law or rules.

The applicant shall forward the required additional information to the commissioner, or request additional time for providing the information, within sixty (60) days of receipt of the notice of deficiency. If the additional information is not submitted within sixty (60) days, or the additional time provided by the commissioner, the application may be denied in accordance with IC 13-15-4-9.

Renumber subsections (e) through (h).

35. 326 IAC 2-5.1-2(f)(3)

Delete “An expiration date not to exceed five (5) years.” and insert “A requirement that an authorized individual provide an annual notice to the department that the source is in operation and in compliance with the registration.”

Insert “(4) An approval to operate in accordance with 326 IAC 2-5.5.”

36. 326 IAC 2-5.1-2(g)

Delete “of production-related information” after “reporting”.

37. 326 IAC 2-5.1-3(a)(2)(B)

Insert “subject to 40 CFR 60, Subpart Ec, 62 FR 48382* (September 15, 1997)” after “medical waste incinerator”.

38. 326 IAC 2-5.1-3(b)

Delete “prepare an application” and insert “obtain a construction permit” after “required to”.

39. 326 IAC 2-5.1-3(e)(5)

Delete “or registrations” after “with the permit”

Delete “326 IAC 2-1.1-3(c)(1)” and insert “326 IAC 2-1.1-3(d)(1)”

40. 326 IAC 2-5.5

Insert new rule for operation and modification of existing registered sources.

326 IAC 2-5.5 Registrations

326 IAC 2-5.5-1 Applicability

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) The following shall be exempt from the requirements of this rule:

(1) Existing sources that meet the criteria for an exemption under 326 IAC 2-1.1-3 or not specifically required to obtain a registration under this rule.

(2) Existing sources operating pursuant to one (1) of the following:

(A) A Part 70 permit under 326 IAC 2-7.

(B) A federally enforceable state operating permit (FESOP) under 326 IAC 2-8.

(C) A source specific operating agreement under 326 IAC 2-9.

(D) A permit by rule under 326 IAC 2-10.

(E) A permit by rule under 326 IAC 2-11.

(b) On or after the effective date of this rule, this rule applies to the following existing sources:

(1) Sources with a potential to emit within the following ranges:

(A) Less than twenty-five (25) tons per year and equal to or greater than

five (5) tons per year of either particulate matter (PM) or particulate matter less

than ten (10) microns (PM₁₀).

(B) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of the following pollutants:

(i) Sulfur dioxide (SO₂).

(ii) Nitrogen oxides (NO_x).

(C) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of volatile organic compounds (VOC), except for sources subject to 326 IAC 8.

(D) Less than twenty-five (25) tons per year and equal to or greater than fifteen (15) pounds per day of volatile organic compounds (VOC) for sources subject to 326 IAC 8.

(E) Less than one hundred (100) tons per year and equal to or greater than twenty-five (25) tons per year of carbon monoxide (CO).

(F) Less than five (5) tons per year and equal to or greater than two-tenths (0.2) ton per year of lead (Pb).

(G) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of the following regulated air pollutants:

(i) Hydrogen sulfide (H₂S).

(ii) Total reduced sulfur (TRS).

(iii) Reduced sulfur compounds.

(iv) Fluorides.

(2) Any existing source that:

(A) is subject to 326 IAC 20-8; and

(B) consists of only decorative chromium electroplating tanks that use a trivalent chromium process that incorporates a wetting agent.

(c) No person subject to subsection (b) shall operate an existing source subject to this rule without registering the source with the commissioner. (*Air Pollution Control Board; 326 IAC 2-5.5-1*)

326 IAC 2-5.5-2 Compliance schedule

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 2. (a) Any chrome electroplating source that meets the applicability criteria under clause (b)(2) shall apply for approval under this rule no later than twelve (12) months from the effective date of this rule.

(b) Any existing source not described by subsection (a) that has a valid air registration shall apply for approval under this rule no later than twenty-four (24) months from the effective date of this rule.

(c) Any source that is subject to this rule and that does not have a valid air registration

shall apply for approval under this rule no later than twelve (12) months from the effective date of this rule. (*Air Pollution Control Board; 326 IAC 2-5.5-2*)

326 IAC 2-5.5-3 Application requirements

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 3. (a) Any person required to prepare an application under subsection 1(b) of this rule shall prepare and submit a permit application to the commissioner in accordance with this rule.

(b) The application shall include the following information:

(1) Company name and address.

(2) Descriptive information as follows:

(A) A description of the nature and location of the proposed construction or modification.

(B) The design capacity and typical operating schedule of the proposed construction or modification.

(C) A description of the source and the emissions unit or units comprising the source.

(D) A description of any emission control equipment, including design specifications.

(3) A schedule for construction or modification of the source.

(4) Information on the nature and amount of pollutants to be emitted and any other information determined by the commissioner as necessary to demonstrate compliance with the ambient air quality standards.

(5) Each application shall be signed by an authorized individual, unless otherwise noted, whose signature constitutes an acknowledgement that the applicant assumes the responsibility of assuring that the source, emissions unit or units, or emission control equipment will be constructed and will operate in compliance with all applicable state air pollution control rules and the requirements of the CAA. Such signature shall constitute affirmation that the statements in the application are true and complete, as known at the time of completion of the application, and shall subject the applicant to liability under state laws forbidding false or misleading statements.

(c) Upon receipt of the information requested, the commissioner shall make a final determination within the time period described under 326 IAC 2-1.1-8.

(d) If the commissioner finds an application submitted in accordance with this rule to be incomplete, the commissioner shall mail a notice of deficiency to the applicant that specifies the portions of the application that:

(1) do not contain adequate information for the commissioner to process the application;
or

(2) are not consistent with applicable law or rules.

The applicant shall forward the required additional information to the commissioner, or request additional time for providing the information, within sixty (60) days of receipt of the notice of deficiency. If the additional information is not submitted within sixty (60) days, or the additional time provided by the commissioner, the application may be denied in accordance with IC 13-15-4-9. (*Air Pollution Control Board; 326 IAC 2-5.5-3*)

326 IAC 2-5.5-4 Registration content

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 4. (a) A registration issued by the commissioner shall include terms and conditions that include all of the following:

- (1) Identification of any and all applicable requirements.
- (2) A physical description of the emissions unit or units and operating information consistent with the application information.
- (3) A requirement that an authorized individual provide an annual notice to the department that the source is in operation and in compliance with the registration.

(b) A registration issued by the commissioner may include terms and conditions that require monitoring, record keeping, and reporting as necessary to assure compliance with all applicable requirements.

(c) The commissioner shall not issue a registration that limits a source's potential to emit. (*Air Pollution Control Board; 326 IAC 2-5.5-4*)

326 IAC 2-5.5-5 Public notice

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 5. The issuance of a registration shall not be subject to the public notice requirements under 326 IAC 2-1.1-6, but the commissioner shall provide for public notice pursuant to IC 4-21.5-3-4. (*Air Pollution Control Board; 326 IAC 2-5.5-5*)

326 IAC 2-5.5-6 Source modification

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 6. (a) Any person proposing to construct new emission units, modify existing emission units, or otherwise modify the source as described in this section shall submit a application or notification in accordance with this rule.

(b) Notwithstanding any other provision of this rule, the owner or operator of a source

may repair or replace an emissions unit or air pollution control equipment or components thereof that would require a permit or operating permit revision under a provision of this rule prior to receiving the permit or operating permit revision if:

- (1) the repair or replacement results in a potential to emit for each regulated pollutant that is less than or equal to the potential to emit of the equipment the affected emissions unit that was repaired or replaced;
- (2) the repair or replacement is not a major modification under 326 IAC 2-2-1, 326 IAC 2-3-1, or 326 IAC 2-4.1;
- (3) the repair or replacement:
 - (A) returns the emissions unit, process, or control equipment to normal operation after an upset, malfunction, mechanical failure; or
 - (B) prevents impending and imminent failure of the emissions unit, process, or control equipment; and
- (4) the owner or operator of the source submits an application for a permit or permit revision to the commissioner no later than thirty (30) calendar days after initiating the repair or replacement.

(c) An application or notification required under this section shall contain the following:

- (1) The information required under section 2(b) of this rule.
- (2) Identification of the applicable requirements to which the source is newly subject as a result of the change, including the applicable emission limits and standards, applicable monitoring and test methods, and applicable record keeping and reporting requirements, as appropriate.

(d) Notwithstanding the public participation requirements under 326 IAC 2-1.1-6, the following changes shall be designated as notice-only changes and shall not require public notice or prior approval by the commissioner.

- (1) Changes correcting typographical errors.
- (2) Minor administrative changes such as a change in the name, address, or telephone number of any person identified in a permit or a change in descriptive information concerning the source or emissions unit or units.
- (3) Changes in ownership or operational control of a source.
- (4) Modifications that would require more frequent monitoring or reporting.
- (5) Modifications involving a pollution control project or pollution prevention project as defined in 326 IAC 2-1.1-1 that do not result in an increase in the potential to emit of any regulated pollutant greater than the thresholds in 326 IAC 2-5.1-3(a) or a significant change in the method or methods to demonstrate or monitor compliance.
- (6) Incorporation of newly applicable requirements as a result of a change in applicability.
- (7) Incorporation of alternative testing or compliance monitoring requirements that have received U.S. EPA approval under 40 CFR 60, 40 CFR 61, or 40 CFR 63*.
- (8) Incorporates newly-applicable monitoring or testing requirements specified in 40

CFR 60, 40 CFR 61, or 40 CFR 63* that apply as the result of a change in applicability of those requirements to the source, including removal from the permit of monitoring or testing requirements that no longer apply as a result of the change in applicability.

(9) Incorporation of test methods or monitoring requirements specified in an applicable requirement that the source may use under the applicable requirement as an alternative to the testing or monitoring requirements contained in the permit.

(10) Modifications that have the potential to emit greater than or equal to one (1) ton per year but less than ten (10) tons per year of a single hazardous air pollutant (HAP) as defined under Section 112(b) of the CAA or greater than or equal to two and one-half (2.5) tons per year but less than twenty-five (25) tons per year of any combination of HAPs unless the modification would increase the potential to emit of the source above ten (10) tons per year of a single HAP or twenty-five (25) tons per year of any combination of HAPs.

(11) A modification of an existing source if the modification will replace or repair a part or piece of equipment in an existing process, unless:

- (A) the modification results in the replacement or repair of an entire process;
- (B) the modification qualifies as a reconstruction of an entire process; or
- (C) the modification may result in an increase of actual emissions.

(12) Modifications that consist of emission units described under 326 IAC 2-1.1-3(d)(1) through (33).

(e) Any person proposing to make a change or modification described in subsection (c) shall submit a notification concerning the change or modification within thirty (30) days of making the change or modification and shall include the information under section 2(b) of this rule.

(f) The commissioner shall revise the registration consistent with the following:

(1) The commissioner shall revise the registration within thirty (30) days of receipt of the notification by the one (1) of the following means:

- (A) Certified mail.
- (B) Delivery by hand or express service.
- (C) Transmission by other equally reliable means of notification by the source to the commissioner.

(2) The commissioner shall send a copy of the revised registration to the registrant.

(3) The registrant may implement the change or modification upon submittal of the notification.

(g) Any person proposing to make a change or modification not described in subsection (c) shall submit an application concerning the change or modification prior to making the change or modification and shall include the information under subsection (c).

(h) An application submitted in accordance with subsection (g) shall be processed as follows:

(1) Within forty-five (45) days from receipt of an application for a minor permit revision, the commissioner shall do one (1) of the following:

(A) Approve the modification request and issue a revised registration incorporating the modification.

(B) Determine that the change or modification will increase the potential to emit of the source to a level that would be require an operating permit under 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8.

(2) If after review of the application, the commissioner determines that the change or modification will increase the potential to emit of the source to a level that would be require an operating permit under 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8, the commissioner shall:

(A) notify the source of the requirement to obtain an operating permit; and

(B) issue the operating permit pursuant to the requirements in 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8, whichever is applicable.

(Air Pollution Control Board; 326 IAC 2-5.5-6)

41. 326 IAC 2-6.1-1(a)(1)

Insert “or not specifically required to obtain a permit under this rule shall be exempt from the requirements of this rule” after “326 IAC 2-1.1-3”.

42. 326 IAC 2-6.1-1(a)(2)

Delete “a permit issued under 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8.” and insert “one (1) of the following:

(1) A Part 70 permit under 326 IAC 2-7.

(2) A federally enforceable state operating permit (FESOP) under 326 IAC 2-8.

(3) A source specific operating agreement under 326 IAC 2-9.

(4) A permit by rule under 326 IAC 2-10.

(5) A permit by rule under 326 IAC 2-11.”

43. 326 IAC 2-6.1-2(a)

Delete “326 IAC 2-5.1-2(a)”.

Delete “air registration or”.

Delete “, respectively,”.

44. 326 IAC 2-6.1-2

Delete “(b) This rule shall not apply to a source that is operating pursuant to a permit, operating agreement, or permit by rule under one (1) of the following rules:

(1) 326 IAC 2-7.

(2) 326 IAC 2-8.

(3) 326 IAC 2-9.

(4) 326 IAC 2-10.

(5) 326 IAC 2-11.

45. 326 IAC 2-6.1-3(a)
Delete “326 IAC 2-5.1-2 or”
Insert “subject to 40 CFR 60, Subpart Ce, 62 FR 48379* (September 15, 1997) ”after
“medical waste incinerator”.
46. 326 IAC 2-6.1-3(c)
Delete subsection (c) and renumber remaining subsections.
47. 326 IAC 2-6.1-3(c)
Delete “air registration or”
48. 326 IAC 2-6.1-5(a)(4)
Delete “The following requirements with respect to compliance:
(A) The commissioner may require stack testing, monitoring, or reporting at any time to
assure compliance with all applicable requirements. Any monitoring or testing shall be
performed in accordance with 326 IAC 3 or other methods approved by the
commissioner.”
Renumber remaining clauses.
Insert “A requirement that” before “upon presentation”.
49. 326 IAC 2-6.1-6(a)
Delete “a” and insert “an” after “shall submit” and before “application”.
50. 326 IAC 2-6.1-6(d)(11)
Insert “the applicability criteria and can meet and will comply with” after “meets”.
51. 326 IAC 2-6.1-6(f)
Delete “permit” and “be revised upon submittal”
Insert “commissioner” after “The”
Insert “revise the permit within thirty (30) days of receipt” after “shall”
Delete “the” after “notification by”.
Insert “The commissioner shall provide the permittee with a copy of the revised permit.
Notwithstanding IC 13-15-5, the permit revision shall be effective immediately.” at the
end of the subsection.
52. 326 IAC 2-6.1-6(h)(3)(C)
Insert “one (1) of” after “commissioner shall do”.
Insert “, would allow for a significant increase in emissions,” after “impact air quality”.
Delete “the determination or monitoring of” after “provide for”
Insert “monitoring” after “compliance”
53. 326 IAC 2-6.1-6(h)(4)
Delete “attaching” and insert “incorporating” after “revised by”.

Delete “to” and insert “into” after “permit revision”.

Insert “Notwithstanding IC 13-15-5, the commissioner’s approval shall become effective immediately.” at the end of the subdivision.

54. 326 IAC 2-6.1-6(i)(2)(E)

Delete “attaching” and insert “incorporating” after “revised by”.

Delete “to” and insert “into” after “permit revision”.

55. 326 IAC 2-6.1-7

Delete this rule section and renumber remaining section.

56. 326 IAC 2-7-1(21)(C)(i) and (ii)

Insert “, not regulated by a NESHAP,” after “Any unit” in both items.

57. 326 IAC 2-7-4(c)(9)

Delete “trading of emissions increases and decreases at the applicant's source under sections 5(11) and 20(e) of this rule. In addition to such other information as may be requested by the commissioner as necessary to define such permit terms and conditions, the applicant shall include the following information:

(A) Identification, description, and location of the emission units or processes that will be included under and comply with an emissions cap.

(B) Identification of any emission limitations or standards or other requirements applicable to the pollutants, emission units, or processes to be included under an emissions cap.

(C) A description of the emissions cap program or programs to be established at the sources. The emissions cap may include any one (1) or more pollutants and may be based on one (1) of the following:

(i) Source-wide actual emissions, not to exceed allowable emissions, including a reasonable operating margin that is less than the significant emissions rate as defined under 326 IAC 2-2-1. Actual emissions shall be calculated using the actual emissions for any twelve (12) consecutive months during the one hundred twenty (120) months preceding the request for an emissions cap.

(ii) The prevention of significant deterioration (PSD) permitted allowable emissions for sources that have received a source-wide PSD permit within the past five (5) years.

(iii) A source-wide permit limitation on the potential to emit of a pollutant less than the applicability thresholds of 326 IAC 2-2, 326 IAC 2-3, 326 IAC 2-4.1, or other applicable requirement.

The emissions cap program may consist of multiple caps, except if the multiple caps would allow a violation of 326 IAC 2-2.

(D) A description of any new applicable requirements, permit terms, or conditions that may apply.

(E) A description of the compliance monitoring requirements to be implemented with the emissions cap program or programs.

(F) Emissions information or other relevant information to be used for the basis of the emission cap or caps.” and insert “establishment of an emissions cap program or programs. The request for an emissions cap program or programs shall include the information under 326 IAC 2-1.1-12(d).” after “allowing for”.

58. 326 IAC 2-7-5(11)

Delete “the trading of emissions increases and decreases in” and insert “changes at” after “that allow for”.

Delete “solely for the purpose of complying” and insert “that comply” after “permitted source,”.

Insert “326 IAC 2-1.1-12 and” after “in accordance with”.

59. 326 IAC 2-7-5(11)(B)

Delete “in the course of trading emissions increases and decreases at the source” after “must comply with”.

60. 326 IAC 2-7-5(11)(D) and (H)

Insert “or an approval under section 10.5 of this rule” after “operating permit revision”.

61. 326 IAC 2-7-5(16)

Insert “modification approval requirements under section 10.5 of this rule or the” after “notwithstanding the”.

62. 326 IAC 2-7-5(16)(B)

Insert “are necessary to” after “requirements that”.

63. 326 IAC 2-7-10.5

Insert “(b) Notwithstanding any other provision of this rule, the owner or operator of a source may repair or replace an emissions unit or air pollution control equipment or components thereof that would require a permit or operating permit revision under a provision of this rule prior to receiving the permit or operating permit revision if:

(1) the repair or replacement results in a potential to emit for each regulated pollutant that is less than or equal to the potential to emit of the equipment or the affected emissions unit that was repaired or replaced;

(2) the repair or replacement is not a major modification under 326 IAC 2-2, 326 IAC 2-3, or 326 IAC 2-4.1;

(3) the repair or replacement:

(A) returns the emissions unit, process, or control equipment to normal operation after an upset, malfunction, mechanical failure; or

(B) prevents impending and imminent failure of the emissions unit, process, or control equipment; and

(4) the owner or operator of the source submits an application for a permit or permit revision to the commissioner no later than thirty (30) calendar days after initiating the repair or replacement.

Renumber remaining subsections and references.

64. 326 IAC 2-7-10.5(c)

Delete “(c) or (e)” and insert (d) or (g)”.

Delete “consistent with section 4(c) that includes the following information” and insert “as follows” after “modification”.

65. 326 IAC 2-7-10.5(c)(1)

Delete “A description of the modification and the emissions resulting from the modification.” and insert “If only preconstruction approval is requested, the application shall contain the following information:

(A) The company name and address.

(B) The following descriptive information:

(i) A description of the nature and location of the proposed construction or modification.

(ii) The design capacity and typical operating schedule of the proposed construction or modification.

(iii) A description of the source and the emissions unit or units comprising the source.

(iv) A description of any emission control equipment, including design specifications.

(C) A schedule for construction or modification of the source.

(D) The following information as needed to assure all reasonable information is provided to evaluate compliance consistent with the permit terms and conditions, the underlying requirements of this title and the Clean Air Act (CAA), the ambient air quality standards set forth in 326 IAC 1-3, or the prevention of significant deterioration maximum allowable increase under 326 IAC 2-2.

(i) Information on the nature and amount of the pollutant to be emitted, including an estimate of the potential to emit of any regulated air pollutants.

(ii) Estimates of offset credits, as required under 326 IAC 2-3, for sources to be constructed in nonattainment areas.

(iii) Any other information (including, but not limited to, the air quality impact) determined by the commissioner to be necessary to reasonably demonstrate compliance with the requirements of this title and the requirements of the CAA, whichever are applicable.

(E) Each application shall be signed by an authorized individual, unless otherwise noted, whose signature constitutes an acknowledgement that the applicant assumes the responsibility of assuring that the source, emissions unit or units, or emission control equipment will be constructed and will operate in compliance with all applicable Indiana air pollution control rules and the requirements of the CAA. Such signature shall

constitute affirmation that the statements in the application are true and complete, as known at the time of completion of the application, and shall subject the applicant to liability under state laws forbidding false or misleading statements.”

66. 326 IAC 2-7-10.5(c)(2)

Insert “If the source requests that the preconstruction approval and operating permit revision be combined, the application shall contain the information in subdivision (1) and the following information consistent with subsection 4(c) of this rule:” at the beginning of subdivision and renumber remaining items.

67. 326 IAC 2-7-10.5

Insert a new subsection “(d) This subsection applies to Part 70 sources with a complete application on file with the department and that have not received a final Part 70 permit. Modifications described under subdivision (1) shall be processed in accordance with subdivision (2).

(1) The following modifications shall not require prior approval and shall not be subject to the notice requirements under section 17 of this rule or the review requirements under section 18 of this rule:

- (A) Changes correcting typographical errors.
- (B) Minor administrative changes such as a change in the name, address, or telephone number of any person identified in a permit or a change in descriptive information concerning the source or emissions unit or units.
- (C) Changes in ownership or operational control of a source.
- (D) Modifications that would require more frequent monitoring or reporting.
- (E) Incorporation of newly applicable requirements as a result of a change in applicability.
- (F) Incorporates alternative testing or compliance monitoring requirements that have received U.S. EPA approval under 40 CFR 60, 40 CFR 61, or 40 CFR 63*.
- (G) Incorporates newly-applicable monitoring or testing requirements specified in 40 CFR 60, 40 CFR 61, or 40 CFR 63* that apply as the result of a change in applicability of those requirements to the source, including removal from the permit of monitoring or testing requirements that no longer apply as a result of the change in applicability.
- (H) Incorporates test methods or monitoring requirements specified in an applicable requirement that the source may use under the applicable requirement as an alternative to the testing or monitoring requirements contained in the permit.

(2) The following shall apply to the application for and issuance of a modification under this subsection

- (A) Any person proposing to make a change or modification described in subsection (d) shall submit a notification concerning the change or modification within thirty (30) calendar days of making the change or modification and shall include the information under subsection (c) by the one (1) of the following

means:

- (i) Certified mail.
- (ii) Delivery by hand or express service.
- (iii) Transmission by other equally reliable means of notification by the source to the commissioner..

(B) The commissioner shall take final action on the modification request, within thirty (30) days of receipt of the notification. The commissioner shall provide the permittee with a copy of the modification approval and shall incorporate the modification into the Part 70 permit application. Notwithstanding IC 13-15-5, the modification approval shall be effective immediately.”

Reletter remaining subsections.

68. 326 IAC 2-7-10.5(e)(4)

Insert “any of” after “within”.

69. 326 IAC 2-7-10.5(e)(5)(C)

Insert “air pollution” before “control device”.

70. 326 IAC 2-7-10.5(e)(8) and (9)

Insert “(8) A modification of an existing source if the modification will replace or repair a part or piece of equipment in an existing process unless the modification:

- (i) results in the replacement or repair of an entire process;
- (ii) qualifies as a reconstruction of an entire process; or
- (iii) may result in an increase of actual emissions.

(9) A modification that adds an emissions unit or units of the same type that are already permitted and that will comply with the same applicable requirements and permit terms and conditions as the existing emission unit or units, except if the modification would result in a potential to emit greater than the thresholds in 326 IAC 2-2 or 2-3.

71. 326 IAC 2-7-10.5(f)(2)

Insert “one (1) of” after “commissioner shall do”.

Insert “, would allow for a significant increase in emissions,” after “impact air quality”.

Delete “the determination or monitoring of” after “provide for”

Insert “monitoring” after “compliance”

72. 326 IAC 2-7-10.5(f)

Insert “(3) The source may begin construction as follows:

(A) If the source only requests preconstruction approval or the source does not have a final Part 70 permit, the source may begin construction upon approval by the commissioner. Notwithstanding IC 13-15-5, the commissioner’s approval shall become effective immediately. Operation of the modification shall be as follows:

- (i) For a source that has a final Part 70 permit, operation of the modification shall not commence until the operating permit has been revised in accordance with

section 12 of this rule.

(ii) For a source without a final Part 70 permit, operation may begin after construction is completed subject to the notification requirements of subsection (i).

(B) If the source requests that the preconstruction approval and operating permit revision be combined, the source may not begin construction or operation until the requirements of subsection (h) and sections 11 or 12 of this rule have been satisfied.”

73. 326 IAC 2-7-10.5(g)

Delete “(2) Any modification that results in the source needing to obtain a FESOP under 326 IAC 2-8 or a Part 70 permit under this rule.” and renumber remaining subdivisions.

74. 326 IAC 2-7-10.5(g)(5)

Insert “any of” before “the following pollutants”.

75. 326 IAC 2-7-10.5(g)(9)

Delete “this section” and insert “subdivisions (3) through (8)”.

76. 326 IAC 2-7-10.5(g)(10)

Delete “this section” and insert “subdivisions (3) through (8)”.

77. 326 IAC 2-7-10.5(h)(3)

Delete “The commissioner shall provide for public notice and comment and U.S. EPA review in accordance with sections 17 and 18 of this rule.” and renumber remaining items.

78. 326 IAC 2-7-10.5(h)(4)(B)

Delete “and for notifying and responding to affected states under subsections (j) through (k)” and insert “as follows:

(i) For modifications for which a source is only requesting preconstruction approval, the commissioner has complied with the requirements under 326 IAC 2-1.1-6.

(ii) For modifications for which a source is requesting a combined preconstruction approval and operating permit revision, the commissioner has complied with the requirements under section 17 of this rule.”

79. 326 IAC 2-7-10.5(h)(4)(D)

Insert “For modifications for which a source is requesting a combined preconstruction approval and operating permit revision,” before “the U.S. EPA”.

80. 326 IAC 2-7-10.5(i)

Insert “(i) The following shall apply to a modification approval described in subsection (g) for a source that has not received a final Part 70 permit:

(1) After receiving an approval to construct and prior to receiving approval to operate, a source shall prepare an affidavit of construction as follows:

(A) The affidavit shall include the following:

(i) Name and title of the authorized individual.

(ii) Company name.

(iii) An affirmation that the emissions units described in the modification approval were constructed in conformance with the request for modification approval and that such emissions units will comply with the modification approval.

(iv) Identification of any changes to the emissions units described in the modification approval not included in the request for modification approval.

(v) Signature of the authorized individual.

(B) The affidavit shall be notarized.

(C) A source shall submit the affidavit to the commissioner after construction of either all the emission units described in the modification approval or after each phase of construction of the emission units described in the modification approval, as applicable, has been completed.

(2) A source may not operate any emissions units described in the modification approval prior to receiving a validation letter issued by the commissioner, except as provided in clause (A).

(A) A source may operate the emissions units covered by the affirmation in the affidavit of construction upon submission of the affidavit of construction.

(B) The commissioner shall issue a validation letter within five (5) working days of receipt of the affidavit of construction.

(C) The validation letter shall authorize the operation of all or part of each emissions unit covered by the affirmation in the affidavit of construction.

(D) Subject to clause (E), the validation letter shall include any amendments to the modification approval if such amendment is requested by the source and if such amendment does not constitute a modification and require public notice and comment under 326 IAC 2-1.1-6.

(E) A validation letter shall not approve the operation of any emissions unit if an amendment to the modification approval requested by the source would constitute a modification and require public notice and comment under 326 IAC 2-1.1-6.

81. 326 IAC 2-7-10.5(g)

Delete “(g) The permittee shall give the department notice of the anticipated date of initial startup of the modification not more than sixty (60) calendar days nor less than thirty (30) calendar days prior to such date and shall further notify the department of the actual date of startup within fifteen (15) calendar days of that date.” and reletter remaining subsections.

82. 326 IAC 2-7-10.5(k)

Insert “326 IAC 2-1.1-6 or” after “established in”.

Delete “, except the public notice under subsection (d) shall provide notice of the modification application” at the end of the subsection.

83. 326 IAC 2-7-10.5(l)

Insert “for modifications that a source is requesting a combined preconstruction approval and operating permit revision” after “326 IAC 2-7-18”.

84. 326 IAC 2-7-10.5(m)

Delete “permit” and insert “modification approval” in the first sentence.

Delete “under and insert “in accordance with” after “issued”.

Delete “through an administrative amendment in accordance with 326 IAC 2-7-11. The Part 70 permit shall be deemed to be effective as of the date of the approval of the administrative amendment. For Part 70 sources that have not been issued a final Part 70 permit, the modification approval issued under this section shall be incorporated into the source’s Part 70 permit application.” after “Part 70 permit” and insert “or permit application as follows:

(1) For a source that has a final Part 70 permit and requested that the preconstruction approval and permit revision be combined, the modification approval shall be incorporated into the Part 70 permit as an administrative amendment in accordance with section 11 of this rule.

(2) For a source that has a final Part 70 permit and requested only a preconstruction approval, the source shall apply for a Part 70 permit modification in accordance with section 12 of this rule prior to beginning operation of the modification.

(3) For a source that has a complete Part 70 permit application on file, but does not have a final Part 70 permit and requested only preconstruction approval, the modification approval shall be deemed incorporated in the Part 70 permit application and will be included in the Part 70 permit when issued.”

85. 326 IAC 2-7-11

Insert “(9) Incorporates alternative testing or compliance monitoring requirements that have received U.S. EPA approval under 40 CFR 60, 40 CFR 61, or 40 CFR 63*.

(10) Incorporates test methods or monitoring requirements specified in an applicable requirement that the source may use under the applicable requirement as an alternative to the testing or monitoring requirements contained in the permit.

86. 326 IAC 2-7-11(5)

Insert “that have satisfied the requirements of sections 17 and 18 of this rule” after “of this rule”.

87. 326 IAC 2-7-20(e)(2)

Delete “following” after “shall include the”.

Delete “:

(A) When the change will occur and shall describe how increases and decreases in

emissions will comply with the terms and conditions of the permit.

(B) The company name and address.

(C) The source and permit identification numbers.

(D) A list and description of the unit or units or process or processes to be constructed, reconstructed, or modified.

(E) The identification of the grouping under the cap to which the equipment will be added.

(F) An estimate of the amount and type of emissions associated with the construction, reconstruction, or modification.

(G) A description of any applicable requirements that will apply to the new or modified emission unit or units or process or processes.

(H) A description of the method or methods used to maintain actual emissions from all emission unit or units or process or processes under the emissions cap below the emissions limit, including, but not limited to, reduced production rates, increased emission controls, and limits on operating hours.

(I) A statement that a construction permit is not needed.” and insert “required under 326 IAC 2-1.1-12(f).”

88. 326 IAC 2-8-2

Insert “(b) Any source required to obtain a permit under 326 IAC 2-6.1 may apply to the commissioner for a FESOP.”.

89. 326 IAC 2-8-3(c)(7)

Delete “trading of emissions increases and decreases at the applicant's source under sections 4(11) and 15(b) of this rule. In addition to such other information as may be requested by the commissioner as necessary to define such permit terms and conditions, the applicant shall include the following information:

(A) Identification, description, and location of the emission units or processes that will be included under and comply with an emissions cap.

(B) Identification of any emission limitations or standards or other requirements applicable to the pollutants, emission units, or processes to be included under an emissions cap.

(C) A description of the emissions cap program or programs to be established at the sources. The emissions cap may include any one (1) or more pollutants and may be based on one (1) of the following:

(i) Source-wide actual emissions, not to exceed allowable emissions, including a reasonable operating margin that is less than the significant emissions rate as defined under 326 IAC 2-2-1. Actual emissions shall be calculated using the actual emissions for any twelve (12) consecutive months during the one hundred twenty (120) months preceding the request for an emissions cap.

(ii) A source-wide permit limitation on the potential to emit of a pollutant

less than the applicability thresholds of 326 IAC 2-2, 326 IAC 2-3, 326 IAC 2-4.1, or other applicable requirement.

The emissions cap program may consist of multiple caps, except if the multiple caps would allow a violation of 326 IAC 2-2.

(D) A description of any new applicable requirements, permit terms, or conditions that may apply.

(E) A description of the compliance monitoring requirements to be implemented with the emissions cap program or programs.

(F) Emissions information or other relevant information to be used for the basis of the emission cap or caps.” and insert “establishment of an emissions cap program or programs. The request for an emissions cap program or programs shall include the information under 326 IAC 2-1.1-12(d).” after “allowing for the”.

90. 326 IAC 2-8-4(11)

Delete “the trading of emissions increases and decreases in” and insert “changes at” after “that allow for”.

Delete “solely for the purpose of complying” and insert “that comply” after “permitted source,”.

Insert “326 IAC 2-1.1-12” after “in accordance with”.

91. 326 IAC 2-8-4(11)(B)

Delete “in the course of trading emissions increases and decreases at the source”

92. 326 IAC 2-8-10(a)

Delete “(11) Allows for changes or modifications to emissions units and processes that are operating under an emissions cap established in accordance with this rule.” and renumber remaining subdivisions.

93. 326 IAC 2-8-10(a)(12)

Insert “the applicability criteria and can meet and will comply with” after “meets”.

94. 326 IAC 2-8-11.1(c)(4)

Delete “(c)(5)” and insert “(d)(5)” at the end of the subdivision.

95. 326 IAC 2-8-11.1(e)(3)(C)

Insert “, would allow for a significant increase in emissions,” after “impact air quality”.

Delete “the determination or monitoring of” after “provide for”

Insert “monitoring” after “compliance”

96. 326 IAC 2-8-11.1(e)(4)

Delete “attaching” and insert “incorporating” after “revised by”.

Delete “to” and insert “into” after “permit revision”.

Delete “attachment” and insert “incorporation” after “permittee upon”.
Insert “Notwithstanding IC 13-15-5, the commissioner’s approval shall become effective immediately.” at the end of the subdivision.

97. 326 IAC 2-8-11.1(f)(2)(F)

Delete “attaching” and insert “incorporating” after “revised by”.
Delete “to” and insert “into” after “permit revision”.

98. 326 IAC 2-8-15(b)(1)

Insert “and 326 IAC 2-1.1-12” after “with this rule”.

99. 326 IAC 2-8-15(b)(2)

Delete “following” after “shall include the”.

Delete “:

(A) When the change will occur and shall describe how increases and decreases in emissions will comply with the terms and conditions of the permit.

(B) The company name and address.

(C) The source and permit identification numbers.

(D) A list and description of the unit or units or process or processes to be constructed, reconstructed, or modified.

(E) The identification of the grouping under the cap to which the equipment will be added.

(F) An estimate of the amount and type of emissions associated with the construction, reconstruction, or modification.

(G) A description of any applicable requirements that will apply to the new or modified emission unit or units or process or processes.

(H) A description of the method or methods used to maintain actual emissions from all emission unit or units or process or processes under the emissions cap below the emissions limit, including, but not limited to, reduced production rates, increased emission controls, and limits on operating hours.

(I) A statement that a construction permit is not needed.” and insert “under 326 IAC 2-1.1-12(f).”

100. 326 IAC 2-9-4(c)(3)

Delete “three-thousandths (0.003)” and insert “one-hundredth (0.01)”.

101. 326 IAC 2-9-4(d)(2)

Delete “forty thousand (40,000)” and insert “sixty-five (65,000)”.

102. 326 IAC 2-13-1(a)

Insert “or construct a new emission unit at the existing source” after “modify a source”

Insert “or construction” after “ and such modification

Insert “or other approval by the commissioner in accordance with this article” after “an

operating permit revision”.

103. 326 IAC 2-13-1(i)(2)

Delete “Thirty” and insert “Thirty-one”.